

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 18546 of 2005

Between:

Guntur Chalamaiah Satram, Sangadigunta, Guntur,

represented by its Member of the founder-cum-founder trustee, Guntur
Satyanarayana S/o. Mallikarjuna Rao,

..... PETITIONER

AND

1. Commissioner of Endowment, Boggulakunta,

Tilak Road, Hyderabad.

2. Govt. of A.P. Rep by its Principle Secretary,
Secretariat, Hyderabad.

3. Collector and District Magistrate, Guntur, Guntur District.

4. Superintendent of Police, Guntur, Guntur District.

.....RESPONDENTS

The Court made the following:

ORDER:

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The present writ petition has been filed by the petitioner seeking a direction to the respondents to take necessary steps to sell away land in an extent of Ac.10.00cents situated in Survey No.414 A and 416/1 of Nandigama village, Guntur District by way of issuing tender-cum-public auction as notified in Dis.No.M1/25325/99, dated 02.04.2005 by the Commissioner of Endowments.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments appearing on behalf of the respondents.

The respondents have to sell the lands in an extent of Ac.10.00cents of land in Survey No.414 A and 416/1 of Nandigama village, Guntur District for the benefit of the institution which shall be done only by a public auction and not by private negotiations. However, the learned counsel for the respondents contended that a Division Bench of this Court directed the respondents not to conduct any sale with regard to the endowments land under Section 89 of the Act, which reads as follows:

“In the meantime, it is directed that no sales of Endowment lands shall be effected without the permission of this Court till further orders. No compromises shall be effected under Section 89 till further orders from this Court with respect to Endowment lands.

Pendency of this writ petition shall not be an impediment in any way for the State to proceed against the persons who may be involved in any offences relating to sale/compromise of the temple lands under any provision of the Endowments Act. They shall always be at liberty to revise the orders passed earlier, if warranted by law.”

The learned counsel for the petitioner contended that the said interim order passed by a Division Bench of this Court will apply to the lands covered under Section 89 of the Act.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, since the sale of the lands has already been notified by the orders dated 10.12.2004, I deem it appropriate to dispose of the writ petition directing the respondents to take appropriate action in conducting the sale of Ac.10.00 cents of land by giving a vide publicity. No order as to costs.

(K.C. BHANU, J)

Date: 29.08.2005

Ksn